



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
999 18<sup>TH</sup> STREET- SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>**

Ref: 8ENF-RC

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Manuel Heart  
Chairman  
Ute Mountain Ute Tribe  
P.O. Box JJ  
Towaoc, CO 81334-0188

Re: Notices Pursuant to Sections 104(b) and 122(j) of  
the Comprehensive Environmental Response,  
Compensation, and Liability Act Regarding the  
Upper Animas Mining District Site, San Juan  
County, Colorado

Dear Chairman Heart:

As required under Section 104(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(B)(2), this letter provides notification to the Ute Mountain Ute Tribe that releases of hazardous substances at and from the Upper Animas Mining District Site in San Juan County, Colorado (Site) may have affected natural resources under the trusteeship of the Ute Mountain Ute Tribe. The U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation, and the State of Colorado, through the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment, are currently scoping and conducting remedial studies, and wish to coordinate our assessments, evaluations, investigations, and planning with the Ute Mountain Ute Tribe in accordance with Section 300.430(b)(7) of the National Contingency Plan.

In addition, the EPA hereby notifies the Ute Mountain Ute Tribe that EPA has notified the U.S. Department of the Interior, as a Federal Natural Resource Trustee, in accordance with Section 122(j) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9622(j), of pending settlement negotiations with a potentially responsible party concerning conducting portions of the remedial investigation for the Site. No specific dates or timetable for settlement negotiations have been set, but the EPA will keep you apprised when negotiations are scheduled and we encourage your participation in our negotiations.

Please advise us regarding your interest in and/or concerns regarding this Site. For instance, any information and studies you think should be considered in designing and selecting a remedy which is fully protective of human health and the environment, whether you intend to actively participate in negotiations, or any conditions you would want included in a settlement document. If you do not participate in settlement, we will retain language in any settlement agreement that reserves the rights of the Federal, State, and Tribal Trustees to bring a future potential action for natural resource damages.

If you have any technical questions, please contact either Paula Schmittdiel , Remedial Project Manager, at 303-312-6861, or Elizabeth Fagan, Remedial Project Manager, at 303-312-6095. For any other questions the most knowledgeable person on my staff regarding this matter is Richard Sisk, Attorney, at 303-312-6638.

Sincerely,

Kelcey Land  
Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

cc: Andrea Madigan, 8ENF-RC  
Richard L. Sisk, 8ENF-L  
Mike Rudy, 8ENF-RC  
Paula Schmittdiel, 8EPR-SR  
Elizabeth Fagan, 8EPR-SR  
Ann Umphres, USDOJ  
Scott Schultz, CO AG's Office  
Doug Jamison, CDPHE



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